

MAGISTRATE JUDGE SCHENKIER

EDA

**EXHIBIT A**



a HEARTLAND ALLIANCE partner

February 13, 2008

Catrina M. Pavlik-Keenan, FOIA Officer  
U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office,  
800 North Capitol Street, NW, Room 585  
Washington, DC 20536

Re: Freedom of Information Act Request  
UNHCR Detention Reports

Dear Ms. Pavlik-Keenan:

This is a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. §552. The National Immigrant Justice Center (NIJC) requests any and all records in the custody or control of the U.S. Department of Homeland Security (DHS), including U.S. Immigration and Customs Enforcement (ICE), that fit the following description.

The United Nations High Commissioner for Refugees has submitted reports to ICE and DHS regarding detention matters. NIJC believes these reports to relate, among other things, to compliance with the "Detention Operations Manual," commonly referred to as the "ICE Detention Standards," which were issued by the former Immigration and Naturalization Service. NIJC requests complete and entire copies of any such reports that have been received by DHS and/or ICE from 2003 to the present, including as they relate to local jails and detention centers used by ICE throughout the country. To the extent that these reports include information relating to particular individuals, who might have privacy interests in their contents, NIJC requests that this information be redacted in the least disruptive manner possible, so as to permit the report to be understood in the absence of that material.

Please construe this as an ongoing FOIA request, so that any reports or documents that come within the possession of the agency prior to your response to this FOIA request should also be considered within the scope of the request.

If all or part of any of this request is denied, please specify the exemption(s) claimed for withholding each page or passage. Please also state the number of documents or portions thereof, the number of pages of each document, and the dates of the documents that are withheld. If some portion(s) of the requested materials are determined to be exempt from disclosure under FOIA, please provide the remaining non-exempt portions. 5 U.S.C. §552(b). Also, to the extent that materials are redacted, please "black out" these

Heartland Alliance for Human Needs & Human Rights  
National Immigrant Justice Center  
208 S. LaSalle Street, Suite 1818, Chicago, Illinois 60604  
phone: 312-660-1370 fax: 312-660-1505 website: [www.immigrantjustice.org](http://www.immigrantjustice.org)

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Ms. Catrina M. Pavlik-Keenan

February 13, 2008

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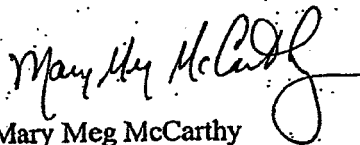
materials, rather than "whiting out" or "cutting out" these materials so that such redactions are recognizable as such. NIJC reserves the right to appeal any decision(s) to withhold information and expects that DHS will list the address and office to which such an appeal may be directed. 5 U.S.C. §552(a)(6)(A)(i).

The purpose of this FOIA request is to broadly publicize these documents, by making them publicly available on the NIJC website, [www.immigrantjustice.org](http://www.immigrantjustice.org), and by issuing reports that draw these records to the attention of the public. The Office of the Inspector General has released a report on conditions of detention in ICE facilities, see [http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG\\_07-01\\_Dec06.pdf](http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_07-01_Dec06.pdf), and stories relating to this issue have appeared in the *New York Times* and on *National Public Radio*, among other media outlets. The documents subject to this request are not sought for any commercial use; thus, NIJC understands that no fee may be charged for the first two hours of search time or for the first 100 pages of duplication. 5 U.S.C. §552(a)(4)(A)(iv)(II). As to any additional search expenses, please waive any fees because disclosure of the requested information will contribute significantly to public understanding of the governmental activities identified above. 5 U.S.C. §552(a)(4)(A)(iii). If you decline to waive these fees, and if these fees will exceed \$100.00, please notify NIJC of these fees before fulfilling this request.

Please reply to this request within twenty working days, or as required by statute. 5 U.S.C. §552(a)(6)(A)(i).

If you have any questions regarding this request, please feel free to call me at my direct line, 312-660-1651.

Sincerely,



Mary Meg McCarthy  
Executive Director

**EXHIBIT B**

U.S. Department of Homeland Security  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

February 20, 2008

Mary Meg McCarthy  
National Immigrant Justice Center  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604

**Re: 2008FOIA1338**

Dear Ms. McCarthy:

This acknowledges receipt of your February 13, 2008, Freedom of Information Act (FOIA) request to the Immigration and Customs Enforcement (ICE), for documents submitted to ICE by the United Nations High Commissioner for Refugees. Your request was received in this office on February 20, 2008.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 150 open requests ahead of yours.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the quarter-hour rate (\$4.00, \$7.00, \$20.25) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2008FOIA1338. Please refer to this identifier in any future correspondence. You may contact this office at (202) 732-0300 or 1-866-633-1182.

Sincerely,

*MPK FOR*

Catrina M. Pavlik-Keenan  
FOIA Officer

**EXHIBIT C**

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

February 20, 2008

Ms. Mary Meg McCarthy  
National Immigrant Justice Center  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604

RE: FOIA Case Number 08-FOIA-1338

Dear Ms. McCarthy:

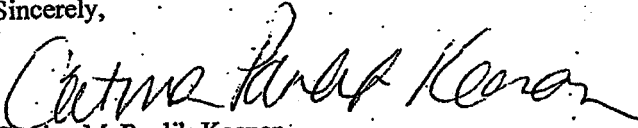
This letter responds to your request for a waiver of fees in the processing of your Freedom of Information Act (FOIA) request dated February 13, 2008. You have requested copies of documents submitted to Immigration and Customs Enforcement (ICE) by the United Nations High Commissioner for Refugees.

Immigration and Customs Enforcement (ICE) evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations<sup>1</sup>. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver: (1) whether the subject of the requested records concerns "the operations or activities of the government"; (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor of a narrow segment of interested persons; (4) whether the contribution to public understanding of government operations or activities will be "significant"; (5) whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver.

If you have any questions pertaining to your request, please contact the FOIA Office at (202) 732-0300.

Sincerely,

  
Catrina M. Pavlik-Keenan  
FOIA Officer

<sup>1</sup> 6 CFR § 5.11(k).



**EXHIBIT D**

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

June 27, 2008

Ms. Mary Meg McCarthy  
National Immigrant Justice Center  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604

Re: FOIA Case Number 08-FOIA-1338

Dear Ms. McCarthy:

This is the final response to your Freedom of Information Act (FOIA) request to Immigration and Customs Enforcement (ICE), dated February 13, 2008, and received by this office on February 20, 2008. You have requested copies of documents submitted to ICE by the United Nations High Commissioner for Refugees.

Your request has been processed under the FOIA, 5 U.S.C. § 552. A search of the ICE Office of Detention and Removal Operations and the ICE Office of Policy for records responsive to your request produced nine documents totaling 264 pages. After review, I have determined that these documents will be withheld in their entirety pursuant to Exemption 5 of the FOIA. In addition, portions of the records being withheld are also properly withheld pursuant to Exemptions 2, 6 and 7(C) of the FOIA.

Two hundred and sixty-four pages have been withheld as described below.

**FOIA Exemption 2(high)** protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manual of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

**FOIA Exemption 2(low)** protects information applicable to internal administrative personnel matters to the extent that the information is of a relatively trivial nature and there is no public interest in the document.

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that the responsive documents qualify for protection under the deliberative process privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the

expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

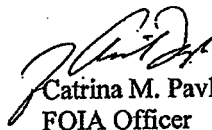
**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.<sup>1</sup>

If you need to contact our office about this matter, please refer to case number 08-FOIA-1338. This office can be reached at (202) 732-0300 or (866) 633-1182.

Sincerely,



Katrina M. Pavlik-Keenan  
FOIA Officer

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<sup>1</sup> 6 CFR § 5.11(d)(4).

**EXHIBIT E**

## Katten

KattenMuchinRosenman LLP

525 W. Monroe Street  
Chicago, IL 60661-3693  
312.902.5200 tel  
312.902.1061 fax

CLAIRE H. FORSTER  
claire.forster@kattenlaw.com  
312.902.5592 direct  
312.577.4454 fax

August 25, 2008

Catrina M. Pavlik-Keenan, FOIA Officer  
U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
800 North Capitol Street, NW, Room 585  
Washington, DC 20536

**Re: FOIA Case Number 08-FOIA-1338**

Dear Ms. Pavlik-Keenan:

This letter serves as a letter of administrative appeal to the denial of a request for documents pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, from the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement's ("ICE"). On February 13, 2008, the National Immigrant Justice Center ("NIJC") served the FOIA office a request for United Nations High Commission for Refugees ("UNHCR") reports to ICE and DHS regarding detention matters ("UNHCR detention reports"). On June 27, 2008, NIJC received a letter denying its request for documents. Letter from Catrina M. Pavlik-Keenan, FOIA Officer, U.S. Immigration and Customs Enforcement, to Mary Meg McCarthy, Executive Director, National Immigrant Justice Center (June 27, 2008) (on file with author) ("Pavlik-Keenan letter"). As specified in this letter, DHS withheld the requested documents in their entirety pursuant to the deliberative process exemption ("Exemption 5"). *Id.* In addition, "portions of the records were . . . withheld . . . pursuant to Exemptions 2, 6, and 7(C) of the FOIA." *Id.*

In considering whether information should be disclosed under FOIA, courts consider two guiding principles. First, "FOIA is to be broadly construed in favor of disclosure." *Trentadue v. Integrity Committee*, 501 F.3d 1215, 1226 (10th Cir. 2007) (citing *Alirez v. NLRB*, 676 F.2d 423, 425 (10th Cir. 1982)). Second, the FOIA exemptions are to be "narrowly circumscribed." *Id.* at 1226, (citing *Irons & Sears v. Dann*, 606 F.2d 1215, 1219 (D.C.Cir.1979)). The narrow FOIA exemptions "do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act." *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989) (citing *Dept. of Air Force v. Rose*, 425 U.S. 352, 361 (1976)).

DHS's determination to withhold the UNHCR detention reports in their entirety runs contrary to FOIA. As shown below, none of the exemptions cited by DHS are applicable to the UNHCR detention reports. Additionally, FOIA specifically provides that "[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after the deletion of the portions which are exempt." 5 U.S.C. § 552(b) (2008). Therefore, DHS/ICE's failure to

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A limited liability partnership including professional corporations

**Katten**

Katten Muchin Rosenman LLP

FOIA Case Number 08-FOIA-1338

August 25, 2008

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provide the detention reports, or segregable portions thereof, constitutes a violation of FOIA. The following paragraphs detail NIJC's basis for appeal of the denial of disclosure.

#### **Exemption 5**

The deliberative process exemption, Exemption 5, is designed to "prevent injury to the quality of agency decisions." *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975). Courts interpret this to mean that a document will only be withheld under Exemption 5 if the document is both predecisional and deliberative. *Renegotiation Bd. v. Grumman Aircraft Engineering Corp.*, 421 U.S. 168, 184 (1975). DHS's broad interpretation of Exemption 5 is impermissible with respect to the UNHCR detention reports because the reports were not prepared to assist DHS in decision-making, and moreover, because the reports are largely factual.

The UNHCR detention reports cannot permissibly be withheld under Exemption 5 because they are not predecisional. The Supreme Court specified that for material to be predecisional it must be "prepared in order to assist an agency decision-maker in arriving at his decision." *Id.* at 184. UNHCR monitors ICE detention facilities to ensure that the conditions of detention are consistent with international standards. It seeks to improve the conditions for refugees and asylum seekers at the facilities that it visits. The UNHCR detention reports identify systemic failures to meet international standards, by commenting on conditions observed as compared to international standards. Accordingly, the reports are by definition post-decisional, not predecisional.

As described in the federal government's own FOIA Guide, "descriptions of 'agency efforts to ensure enactment of policies already established' are postdecisional." — U.S. Department of Justice Freedom of Information Act Guide, March 2007, at 490 (quoting *Dow, Lohnes & Albertson v. USIA*, No. 82-2569, slip op. at 15-16 (D.D.C. June 5, 1984), vacated in part, No. 84-5852 (D.C. Cir. Apr. 17, 1985) (available at [http://www.usdoj.gov/oip/foia\\_guide07/exemption5.pdf](http://www.usdoj.gov/oip/foia_guide07/exemption5.pdf)).

Further, the UNHCR detention reports are not predecisional because they represent the interests of the UNHCR, are not internal to the U.S. Government, and do not represent deliberation within the U.S. Government. Courts have found that where documents are prepared by a third-party with "their own, albeit entirely legitimate, interests in mind," they cannot be withheld under Exemption 5. *Dept. of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 12 (2001) (holding that documents created between a Native American tribe and the Department of Interior were not protected as "intra-agency" materials under Exemption 5 to FOIA, because the groups had different interests). As noted above, the primary purpose of the UNHCR's monitoring effort is to protect refugees and ensure ICE detention meets international standards.

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Finally, the Exemption 5 privilege does not extend to “purely factual material contained in deliberative memoranda and severable from its context.” *Env’tl. Prot. Agency v. Mink*, 410 U.S. 73, 88 (1973) (superseded on other grounds by Pub.L.No. 93-502). Specifically, since the UNHCR detention reports are largely objective observations of ICE detention facilities, the factual material presented in the detention reports can be severed and provided. Therefore, to the extent that any of the detention reports contain purely factual information, or contain factual information that can be severed from the report, that information must be disclosed.

### **Exemption 2**

Exemption 2 protects information that is “related solely to the internal personnel rules and practices of an agency.” 5 U.S.C. § 552(b)(2) (2008). Exemption 2 (low) protects the aforementioned information to the extent that “the information is of a relatively trivial nature and there is no public interest in the document.” *Pavlik-Keenan* letter. DHS’s reliance on Exemption 2 (low) is without merit because release of the UNHCR detention reports is not trivial. Rather, disclosure will fulfill the basic purpose of FOIA “to open agency action to the light of public scrutiny,” because disclosure will permit the public to analyze ICE’s treatment of detained refugees and asylum seekers. *Dept. of Air Force v. Rose*, 425 U.S. 352, 361 (1976) (quoting *Rose v. Dept. of Air Force*, 495 F.2d 261, 263 (2d Cir. 1974)). Balancing agency goals against the strong public interest in the release of these reports, the weight of authority requires that the documents be released.

DHS/ICE’s reliance on Exemption 2 (high), which “protects information applicable to internal administrative and personnel matters . . . to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency’s activities, or reveal sensitive information that may put the security and safety of an agency or employee at risk” is similarly without merit. *Pavlik-Keenan* letter. Release of the UNHCR detention reports would in no way risk the circumvention of a statute or agency regulation. As noted in the *Pavlik-Keenan* letter, Exemption 2 (high) provides justification to withhold FOIA requested documents when disclosure of those documents would “benefit those attempting to violate the law and avoid detection.” The UNHCR detention reports in no way disclose information that would risk the circumvention of the law, but rather disclose the results of the UNHCR monitoring of ICE detention facilities in the United States. Consequently, DHS is not permitted to rely on Exemption 2 (high) to justify the withholding of the UNHCR detention reports.

### **Exemptions 6 and 7(c)**

Exemptions 6 and 7(c) to FOIA both protect identifying personal information from public disclosure. Exemption 6 to FOIA provides that disclosure requirements under FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a

**Katten**

Katten Muchin Rosenman LLP

FOIA Case Number 08-FOIA-1338

August 25, 2008

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clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). Exemption 7(c) addresses personal information in the context of law enforcement, where disclosure of information which could “reasonably be expected to constitute an unwarranted invasion of personal privacy” is forbidden. 5 U.S.C. § 552(b)(7)(C). Both exemptions employ a balancing test of “the public’s right to disclosure against the individual’s right to privacy.” Pavlik-Keenan letter.

Exemptions 6 and 7(c), like any exemptions to FOIA, require that “any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.” 5 U.S.C. § 552(b). In light of this segregability requirement, it is clear that under Exemptions 6 and 7(c), identifying personal information in the UNHCR detention reports should simply be redacted and the reports disclosed. Redaction would fully satisfy the balancing of individual privacy concerns and public disclosure rights required by Exemptions 6 and 7(c), since it would eliminate all individual privacy concerns.

In fact, DHS has released redacted UNHCR detention reports in just such a manner. In *Orantes-Hernandez v. Gonzales*, 504 F. Supp. 2d 825 (C.D. Cal. 2007), the court, in determining whether or not to lift an injunction requiring ICE to comply with certain detention processes, examined UNHCR detention reports on conditions in certain detention centers. In this case, identifying information was redacted in accordance with FOIA standards. The court stated that the UNHCR detention reports still provided “insight into conditions at the detention facilities” and “although cognizant of the limitations on their accuracy” the court concluded that “in combination, they provide the best evidence available regarding the government’s compliance with the detention standards.” *Id.* at 864.

Lastly, NIJC’s FOIA request dated February 13, 2008, explicitly contemplates redaction of material under Exemptions 6 and 7(c), stating that “to the extent that these reports include information relating to particular individuals, who might have privacy interests in their contents, NIJC requests that this information be redacted.” The very fact that the redacted reports are of value without personal information speaks to the great public interest in the documents, which, because there is no privacy interest after redaction, easily satisfies the balancing requirements of either exemption 6 or 7(c) to FOIA. This type of redacted information is precisely what Congress contemplated in the enactment of FOIA.

The authority to delete identifying details after written justification is necessary in order to be able to balance the public’s right to know with the private citizen’s right to be secure in his personal affairs which have no bearing or effect on the general public. For example, it may be pertinent to know that unseasonably harsh weather has caused an increase in public relief costs; but it is not necessary that the identity of any person so affected be made public.



**Katten**

Katten Muchin Rosenman LLP

FOIA Case Number 08-FOIA-1338

August 25, 2008

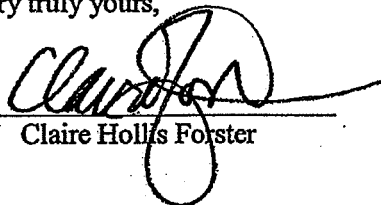
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S.Rep. No. 813, 89th Cong., 1st Sess., 7 (1965). The Supreme Court reiterated this congressional intent in *Dept. of Air Force v. Rose*, in which the court held that disclosure of United States Air Force Academy personnel files with identifying information redacted was required, because redaction of this information satisfied individual privacy concerns of FOIA. 425 U.S. 352, 361 (1976).

Similarly, UNHCR detention reports remain important to the public interest, even without identifying personal information. Cf. *U.S. Dept. of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749 (1989) (holding that criminal rap sheets, which contain only personal information, should not be produced under a FOIA request). Both Congress and the Supreme Court have directed federal agencies to redact personal information under Exemptions 6 and 7(c) in reports such as the UNHCR detention report so as to ensure that relevant and "reasonably segregable" information can be disseminated to the public.

Based on the above, NIJC respectfully requests that DHS withdraw its determination to withhold the UNHCR detention reports pursuant to Exemptions 5, 2 (low), 2 (high), 6, and 7(c), and produce the requested documents pursuant to the original February 13, 2008 FOIA request.

Very truly yours,



Claire Hollis Forster

cc: Mary Meg McCarthy, NIJC  
Chuck Roth, NIJC  
Tara Magner, NIJC  
Jonathan Baum  
Paula Kim

**EXHIBIT F**

Non-Exhaustive List of UNHCR Detention Monitoring Reports Disclosed via Discovery in Orantes-Hernandez v. Gonzales, 82-1107-MMM (C.D. Cal. 2007).

	State in which Facility Visited is Located	Location of Facility (if known)	Date of Visit	Date of Report (if known)
1	California	Otay Mesa	10/7/02	4/14/03
2	California	San Diego area	2/12/01	4/5/01
3	Florida	Broward County Detention Center (Wackenhut) and Comfort Suites Hotel	12/5/02	5/17/03
4	Florida	Miami area	4/ 9-12 /01	5/4/01
5	Florida	Miami area	4/ 18-19 /02	5/23/02
6	Illinois	Chicago area	8/ 6-9 /01	2/15/02
7	Illinois	Chicago area	9/15-18/03	12/4/03
8	Louisiana	Avoyelles and Tangiparola Parish Prisons	4/16-18 /01	6/12/01
9	Louisiana	Avoyelles and Tangiparola Parish Prisons	2001 and 2004	5/21/04 w/ reference to conditions remaining as bad as in 2001
10	Michigan	Calhoun Co. Jail, Battle Creek	4/1/05	Not known
11	Michigan	Monroe Co. Jail, Monroe	4/10/03	8/22/03
12	Michigan	Monroe Co. Jail, Monroe	3/31, 6/21, 9/29, 11/18/05	Not known
13	Michigan	Wayne Co. Jail – Div. III, Detroit	6/23/05	Not known
14	New Jersey	Elizabeth and Wackenhut	6/02	1/9/03
15	New Jersey	Elizabeth Detention Facility, Elizabeth	9/1/05	Not known
16	New York	Albany Co. Jail, Albany	8/31/05	Not known
17	New York	Batavia and Buffalo	2/24/05, 5/5/05, 9/16/05, 11/28/05	Not known

18	New York	Franklin Co. Jail, Malone	5/19/05	Not known
19	New York	Clinton County Jail, Plattsburgh	3/18 and 8/10/05	Not known
20	Puerto Rico	DHS Service Processing Center (Aguadilla) and Metro Detention Center (Guaynabo)	6/ 16-17 /05	8/11/05
21	Texas	Dallas area	10/ 22-25 /01	6/21/02
22	Texas	Dallas area	11/10/03	12/31/03
23	Texas	Laredo Detention Facility, Laredo	Visit requested for 9/12 – 14/05	Not known (Uncertain whether visit was completed)
24	Virginia	Pawmunkey	8/22/05	9/29/05
25	Virginia	Piedmont Jail, Farmville	7/10/01	8/13/01
26	Washington	Seattle	4/14 and 11/23/05	Not known
27	Wisconsin	Kenosha Co. Jail, Kenosha	9/16/03	Not known
28	Wisconsin	Ozaukee Co. Justice Center, Port Washington	9/17/03	Not known
29	Wisconsin	Dodge Co. Jail, Juneau	9/18/03	Not known